

REMARKS

Claims 1-32, 34-46 and 49-55 are pending.

Claims 1-32, 34-46 and 49-55 stand rejected.

Claims 1, 11, 17, 22, 32, 46, 49 and 50 stand objected to.

Claims 2, 3, 23, 24, 52 and 53 have been canceled, without prejudice.

Claims 1, 11, 17, 22, 32, 46, 49, 50 and 55 have been amended. Support for these amendments can be found throughout the specification and drawings, as originally filed.

35 USC §112, FIRST PARAGRAPH, REJECTION

Claims 1, 11, 17, 22, 32, 46, 49 and 50 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted that the specification does not describe “selecting an award representation of the end game result.”

The Applicants respectfully traverse the 35 U.S.C. §112, second paragraph, rejection of claims 1, 11, 17, 22, 32, 46, 49 and 50.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicant has amended claims 1, 11, 17, 22, 32, 46, 49 and 50 to remove the reference to “selecting an award representation of the end game result” or language similar thereto.

Accordingly, the Applicants contend that the 35 U.S.C. §112, second paragraph, rejection of claims 1, 11, 17, 22, 32, 46, 49 and 50 has been overcome or rendered moot..

35 USC §103(a) REJECTION

Claims 1-12, 15-18, 21-29, 32, 34-46, and 49-55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoseloff (U.S. Patent No. 6,398,645).

The Applicants respectfully traverse the 35 U.S.C. §103(a) rejection of claims 1-12, 15-18, 21-29, 32, 34-46, and 49-55. Claims 2, 3, 23, 24, 52 and 53 have been canceled, without prejudice.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 1 to recite, among other things, a method of playing a bingo-type game, the method comprising the steps of: (1) generating an end game result of the bingo-type game indicative of whether a player has won or lost the bingo-type game; and (2) displaying an award representation of the end game result directly displayed upon and represented by a mechanical technological aid at an electronic play station, *wherein the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.*

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 22 to recite, among other things, a method of playing a bingo-type game, said method comprising the steps of: (1) creating a bingo card; (2) generating at least one called number; (3) determining whether the at least one called number establishes at least one of a game-ending pattern or an interim pattern on the bingo card; (4) generating an end game result of the bingo-type game correlating to the determination of whether the at least one called number establishes at least one of the patterns; and (5) displaying an

award representation of the end game result displayed directly upon and represented by a mechanical technological aid at an electronic play station, *wherein the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.*

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 32 to recite, among other things, an apparatus for playing a bingo-type game, said apparatus comprising: (1) a server for generating at least one called number that correlates to a result of said bingo-type game; (2) a plurality of electronic play stations in operative communication with said server and comprising respective mechanical technological aids; and (3) a plurality of award representations carried directly and simultaneously by each one of said mechanical technological aids, wherein an award representation of the plurality of award representations is displayed for visual display, wherein said server creates a plurality of bingo cards and communicates said created plurality of bingo cards to said respective ones of the plurality of electronic play stations, wherein said at least one called number is compared to said plurality of bingo cards to determine whether said at least one called number establishes at least one of a game-ending pattern or an interim pattern on any one of said plurality of bingo cards, *wherein said mechanical technological aids are selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels*

rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 46 to recite, among other things, a program product for playing a bingo-type game wherein said program product code is stored on computer readable media and comprises: (1) a result program code for generating an end game result of the bingo-type game; and (2) a display program code for displaying an award representation of the end game result displayed directly upon and represented by a mechanical technological aid at an electronic play station, *wherein the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.*

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 49 to recite, among other things, a method of playing a bingo-type game, the method comprising the steps of: (1) creating at least one bingo card for each one of at least one player; (2) generating at least one called number common for all of the at least one player; (3) determining whether the at least one called number establishes at least one of a game-ending pattern on the at least one bingo card; (4) generating at least one end game result of the bingo-type game for each one of the at least one player; (5) displaying for

visual display a win representation of a plurality of representations displayed directly upon and represented by a mechanical technological aid if a respective one of the at least one end game result is a win for a respective one of the at least one player; and (6) displaying for visual display a loss representation of the plurality of representations if the respective one of the at least one end game result is a loss for the respective one of the at least one player, *wherein the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.*

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 50 to recite, among other things, a method of providing an electronic bingo-type game, said method comprising the steps of: (1) creating a first bingo card for a first player playing at a first electronic play station; (2) generating at least one called number; (3) determining whether the at least one called number establishes a game-ending pattern on the first bingo card; (4) generating an end game result of the bingo-type game; (5) displaying a win representation and displaying directly on a mechanical aid of the play station if the player has won the game; and (6) displaying a loss representation and displaying directly on the mechanical aid if the player has lost the game, *wherein the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle,*

one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.

Yoseloff does not disclose the inventions as claimed in any of independent claims 1, 22, 32, 46, 49 and/or 50, as amended, or the claims dependent therefrom.

Specifically, Yoseloff does not disclose that its supposed mechanical technological aid (i.e., element 144) is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof.

In fact, Yoseloff teaches away from the claimed inventions in that he specifically states, as the Examiner has already acknowledged, that the “use of mechanical devices is awkward, inconvenient and cumbersome” (see column 2, lines 1-2). Furthermore, element 144, as best understood by the Applicant, is shown (e.g. in Fig. 1) as being a video display, and there is absolutely no description whatsoever that element 144 can include one or more spinning members rotatable about an axle. Additionally, the Applicant respectfully takes issue with the Examiner’s assertion that Yoseloff “teaches ... video reels” with respect to the award representation of the end game result. There is no description in Yoseloff that the award representation of the end game result, such as element 144 in Fig. 1, is displayed as a “video reel.” The only apparent disclosure of an “end game result” is shown in Fig. 1 at element 144, which appears to be a simple static video display. Presumably, the device disclosed by Yoseloff can change the display information on the video display, but there is no mechanical (e.g., rotational) movement

of any members about an axle. Thus, one of ordinary skill in the art would not look to Yoseloff for guidance on a bingo-type game, or method of using the same, as presently claimed.

Because claim 1 is allowable over Yoseloff for at least the reasons stated above, claims 4-12, 15-18 and 21, which depend from and further define claim 1, are likewise allowable. Because claim 22 is allowable over Yoseloff for at least the reasons stated above, claims 25-29, which depend from and further define claim 22, are likewise allowable. Because claim 32 is allowable over Yoseloff for at least the reasons stated above, claims 34-45, which depend from and further define claim 32, are likewise allowable. Because claim 50 is allowable over Yoseloff for at least the reasons stated above, claims 51, 54 and 55, which depend from and further define claim 46, are likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. §103(a) rejection of claims 1, 4-12, 15-18, 21, 22, 25-29, 32, 34-46, 49-51, 54 and 55 has been overcome or rendered moot.

35 USC §103(a) REJECTION

Claims 13, 14, 19, 20, 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoseloff (U.S. Patent No. 6,398,645) as applied to the claims above, and further in view of Lind (U.S. Patent Publication No. 2004/0176169).

As previously noted, Yoseloff does not render obvious any of independent claims 1, 22, 32, 46, 49 and/or 50, for at least the reasons set forth above. The recitation of Lind does not cure the deficiencies in the teachings of Yoseloff.

While Lind may arguably disclose “daubing that may be performed manually or automatically by the players at the playing station, using a suitable interface,” which the Applicant does not concede, Lind nonetheless fails to disclose or suggest that *the mechanical technological aid is selected from the group of one or more mechanical spinning reels rotatable about at least one axle, one or more mechanical spinning wheels rotatable about at least one axle, one or more mechanical die rotatable about at least one axle, one or more mechanical playing cards rotatable about at least one axle, and combinations thereof*, as presently claimed.

Therefore, one of ordinary skill in the art would not look to Yoseloff and/or Lind, either alone or in combination therewith, for guidance on a bingo-type game, or method of using the same, as presently claimed.

Accordingly, the Applicants contend that the 35 U.S.C. §103(a) rejection of claims 13, 14, 19, 20, 30 and 31 has been overcome or rendered moot.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Office Action of September 10, 2007 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 723-0487 if any unresolved matters remain.

Applicant: Jon P. Yarbrough
Serial No.: 10/797,338
Group Art Unit: 3714
Examiner: Sunit, Pandya

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PC.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

March 4, 2008

Date

/James R. Yee/

James R. Yee, Registration No. 34,460
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304
(248) 723-0349